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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 GLENN DAVID O'NEAL,) NO. EDCV 09-2101-DDP (MAN)
12 Plaintiff,)
13 v.) ORDER ADOPTING FINDINGS,
14 A. FAKHOURY,) CONCLUSIONS, AND RECOMMENDATIONS
15 Defendant.) OF UNITED STATES MAGISTRATE JUDGE
16 _____)

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First
18 Amended Complaint, defendant's Motion To Dismiss ("Motion"), all of the
19 records herein, the Report and Recommendation of United States
20 Magistrate Judge ("Report"), and Plaintiff's Objection to the Report.
21 The Court has conducted a *de novo* review of those matters to which
22 objections have been stated in writing and has considered the exhibits
23 appended to the Objection. Having completed its review, the Court
24 accepts and adopts the Report and the findings of fact, conclusions of
25 law, and recommendations therein.
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27 IT IS ORDERED that: (1) the Motion is GRANTED, pursuant to Fed. R.
28 Civ. P. 12(b)(6); (2) the Motion is DENIED, pursuant to Fed. R. Civ. P.

1 12[unenumerated]; (3) the First Amended Complaint is dismissed with
2 leave to amend; and (4) if Plaintiff wishes to pursue this action, he
3 shall file and serve, within thirty (30) days of this Order, a Second
4 Amended Complaint that corrects the defects identified in the Report.

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6 IT IS SO ORDERED.

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8 DATED: August 31, 2011.

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12 DEAN D. PREGERSON
13 UNITED STATES DISTRICT JUDGE
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